

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA

v.

Case No. 22-cr-112-jdp-3

ISAIAH PHILLIPS,

Defendant.

GOVERNMENT’S SENTENCING MEMORANDUM

The United States of America, by Timothy M. O’Shea, United States Attorney for the Western District of Wisconsin, by Kathryn E. Ginsberg and Corey C. Stephan, Assistant United States Attorneys for that district, hereby submits this sentencing memorandum, recommending the Court order a sentence of probation.

1. Nature and Circumstances of the Offense

Law enforcement began an investigation into stolen firearms on June 2, 2022, when Kassidy Garrett and Tyler Seaton (named co-defendants) made a false report to police that they had firearms stolen from their car. (PSI. ¶ 17.) Garrett provided purchase information from Fleet Farm for the firearms. (PSR. ¶ 19.) Garrett had purchased a Glock 19 Gen 3 firearm on March 12, 2022, and a Glock 19X on February 7, 2022 (Id.) The provided forms indicated that Garrett had purchased the firearms for herself. (Id.)

On June 2, 2022, Aidan Johnson was arrested and in possession of the Glock 19X that Garrett had purchased on March 12, 2022. (PSR ¶ 20.)

In July, Garrett informed law enforcement that she had previously provided the incorrect paperwork for the guns that were stolen. (PSR. ¶21.) Garrett told law enforcement she still had the Glock 19, but that a Glock 17, purchased on March 22, 2021, had been stolen. (PSR. ¶¶ 1, 21.)

Law enforcement contacted a Fleet Farm employee who recalled Garrett purchasing the firearms. (PSR. ¶ 22). Garrett stood out to the employee because she purchased the same gun in a short period of time. (Id.)

Law enforcement returned to interview Garrett. (PSR. ¶ 23). When confronted with their suspicions that she had lied, Garrett admitted that she had lied on the ATF forms she filled out at Fleet Farm and was not the actual purchaser of the firearms (Id.) She admitted to purchasing one firearm for her boyfriend, Seaton, and two firearms for the defendant, Seaton's friend. (Id.)

Seaton told law enforcement that they had given the Glock 19X to the defendant. (PSR. ¶ 27.) The defendant reached out to Aidan Johnson, hoping to purchase a "switch" for the firearm. During the attempt to purchase a switch, Johnson and two other co-horts stole the Glock 19X from the defendant on March 11, 2022, by Aidan Johnson.¹ (PSR. ¶¶ 29, 38.)

After having his first firearm stolen, the defendant reached out to Seaton, asking him to have Garrett purchase another firearm for him. (PSR. ¶ 27.) Seaton told the defendant that Garrett would not purchase any more firearms for him out of fear for

¹ see 22-CR-109-JDP-1

being prosecuted. (Id.) Phillips offered to pay Seaton up to an extra \$350 for a new firearm (PSR. ¶ 30.) However, Garrett would not purchase another firearm for the defendant until he fixed the issue with the Glock 19X (Id.) The defendant and Seaton discussed the defendant giving Garrett drugs (percs) in exchange for buying him a firearm. (PSR. ¶ 31.)

After days of messaging between Seaton and the defendant, Seaton told him that Garrett would purchase him a new firearm. (PSR. ¶ 31).

Messages between Seaton and defendant showed they were aware that Johnson had been arrested with one of the guns Garrett had purchased. (PSR. ¶ 34.) They discussed ways to try to evade being held criminally responsible. (Id.)

On July 17, 2022, the defendant was arrested and was found in possession of the Glock 17 which Garrett had purchased. (PSR. ¶ 37). He was later interviewed and confirmed that Garrett had purchased the Glock 19X and the Glock 17 for him. (PSR ¶ 38.)

2. The History and Characteristics of the Defendant

The defendant is an 18 year old male from Madison. He completed schooling through the tenth grade (PSR. ¶ 91.) The defendant has had temporary employments at Argus Bar Grille and Operation Fresh Start. (PSR. ¶ 94.)

The defendant had a self-described ordinary childhood. (PSR. ¶ 69.) He was raised by his mother. (PSR. ¶ 66). He recently started a relationship with his father, who is incarcerated at New Lisbon Correctional Institution. (PSR. ¶ 67.)

The defendant has no criminal convictions or adjudications. (PSR. ¶¶ 59-61.) The defendant was arrested on July 17, 2022, and charged in State court, however the case was dismissed once he was federally indicted. (PSR. ¶ 64.) The government acknowledges that the defendant's lack of criminal history is a significant mitigating factor in his sentencing.

The defendant has a drug addiction problem. He was clearly reliant on marijuana, even throughout his federal pre-trial supervision. The defendant began using marijuana in eighth grade and reported that he uses it daily. (PSR. ¶ 83.) He first drank alcohol at age 14 and considers himself a "social drinker." (PSR. ¶ 84.) The defendant used ecstasy daily in 2022 (PSR. ¶ 86.) He regularly used opiates, mostly Percocet, and some oxycodone, for two years. (PSR ¶ 87.) He also has experimented with lean (codeine cough syrup and soda), Xanax, cocaine, and hallucinogens (PSR ¶¶ 85-88.)

a. Pre-trial supervision violations

The defendant's performance on his federal pre-trial supervision has been unsatisfactory and reflects an attitude of apathy to court orders or consequences. The defendant has received numerous violations. (PSR. ¶¶ 8-12). These violations have been for positive drug tests for THC metabolite. (Id.) In response to his numerous violations, probation has tried to help the defendant stop his drug addiction. (Id.) the defendant was scheduled to partake in a mental health evaluation and asked to participate in substance abuse treatment. (Id.) Despite efforts by probation, the defendant missed several appointments and continued to test positive for THC metabolite in his urine

analyses. Most recently, he has rescheduled his monthly treatment session, and eventually missed it, claiming he overslept. (Id.) No actions have been taken against the defendant's pretrial release. (Id.)

Despite his poor performance, the government still balances the defendant's age and lack of criminal history, and the severity of his violations to ultimately continue its recommendation for probation. The government hopes that the defendant's performance on pre-trial supervision will not be the same effort seen on probation. If it is, the defendant will have no one to blame but himself for throwing away a chance at a sentence outside of prison.

3. Sentencing Guidelines

The PSR determined that the defendant has a total offense level of 17 and a criminal history category of I, making the advisory imprisonment range from 24 to 30 months. (PSR. ¶ 98.) The government agrees that the guidelines were properly calculated.

4. Protection of the Community

Protection of the public is a paramount concern in any sentence. The defendant's actions directly undermine gun safety laws and increase tensions in the community. Equally concerning is the defendant's apparent desire to be one of the drivers of violence in the community. One of the ways this is demonstrated is through the defendant's attempt to purchase a "switch" to add to his firearm, which ultimately led to him being robbed of the firearm completely.

One would hope that being robbed by three acquaintances in his grandmother's driveway would be a wake-up call to the defendant that this is not the life or community he wants to mix himself with. But instead, he wanted more firearms. He even messaged his co-defendant, Seaton, that he would not leave the home without a firearm, offering up to \$350 of extra money to Seaton for a firearm.

5. Conclusion

The defendant has many attributes that support a sentence of probation. Taking into consideration the nature of the offense, as well as the defendant's personal history and characteristics, a sentence of probation is reasonable and no greater than necessary to hold the defendant accountable, deter future criminal activity, and protect the community. For these reasons, the government is respectfully requesting a period of probation for the defendant.

Dated this fifth day of June 2023.

Respectfully submitted,

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By: /s/
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